

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LEWIS et al

Serial No. 09/284,009

Filed: April 5, 1999

Title: MONONUCLEAR PHAGOCYTES IN THERAPEUTIC DRUG DELIVERY

Atty Dkt. 550-128

C# M#

Group Art Unit: 1633

Examiner: Sorbello, E.

Date: April 29, 2002

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED

MAY 03 2002

TECH CENTER 1600/2900

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 54 minus highest number
previously paid for 47 (at least 20) = 7 x \$ 18.00 \$ 126.00

Independent claims after amendment 2 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 400.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00
☐ Please enter the previously unentered, filed
☐ Submission attached

Subtotal \$ 526.00

If "small entity," then enter half (1/2) of subtotal and subtract
☐ Applicant claims "small entity" status. ☐ Statement filed herewith -\$ 0.00

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: Declaration of Stuart Naylor, Ph.D.; recently publicized news article describing gene therapy \$ 0.00

success, a child has been successfully cured of severe combined immunodeficiency (SCID), a condition in which the child is born with no immune system of their own and becomes highly vulnerable to infection as they lose maternal immunity. (see http://news.bbc.co.uk/hi/english/health/newsid_1906000/1906999.stm;

TOTAL FEE ENCLOSED \$ 526.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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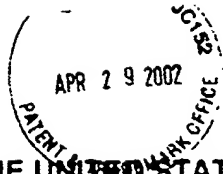
NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature:

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For: **MONONUCLEAR PHAGOCYTES IN THERAPEUTIC
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AMENDMENT

Responsive to the Official Action dated **November 28, 2001**, entry and consideration of the following amendments and remarks are requested; the period for response having been extended up to and including April 29, 2002, by submission of the requisite petition and fee, attached.

IN THE CLAIMS

Amend the claims as follows:

Cancel claims 51-86. without prejudice.

Add the following claims.

--87. (new) A mononuclear phagocyte modified to comprise at least one regulatable element operably linked to at least one nucleotide sequence of interest (NOI), wherein said regulatable element is selected from a hypoxia regulatable element and an ischemia